

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARK A. FREGIA,

Plaintiff,

v.

YUCUI CHEN, et al.,

Defendants.

Case No. 1:20-cv-01024-DAD-EPG

ORDER GRANTING DEFENDANTS'  
MOTION TO MODIFY SCHEDULING  
ORDER TO EXTEND DEADLINE TO FILE  
DISPOSITIVE MOTIONS

(ECF No. 50)

Before the Court is Defendants' motion to modify the Scheduling Order and extend the dispositive motion deadline. (ECF No. 50.) Defendants have filed a motion for summary judgment challenging Plaintiff's failure to exhaust administrative remedies as to some, but not all, of Plaintiff's claims. (*See* ECF No. 40.) On July 1, 2022, the Court issued findings and recommendations recommending that Defendants' motion be granted. (ECF No. 49.) Those findings and recommendations are currently pending before the district judge. Defendants intend to file a motion for summary judgment on the merits, but the scope of the motion will be affected by the district judge's order on the pending findings and recommendations. (ECF No. 50 at 2.) Thus, Defendants request that the dispositive motion deadline, which is currently set for August 8, 2022, be extended to forty-five days from issuance of a final order on Defendants' pending exhaustion motion.<sup>1</sup> (*Id.* at 2-3.)

<sup>1</sup> This case has been scheduled through dispositive motions only and no pretrial conference or trial dates have been

1 Having considered the motion, and in the interest of efficiency and judicial economy, the  
2 Court will grant Defendants' request.

3 Accordingly, IT IS HEREBY ORDERED that the Scheduling Order (ECF No. 36) is  
4 modified and the deadline to file dispositive motions is extended to forty-five (45) days from the  
5 date of service of a final order on Defendants' pending motion for summary judgment on  
6 administrative exhaustion (*see* ECF Nos. 40, 49).

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8 IT IS SO ORDERED.

9 Dated: July 29, 2022

/s/ Eric P. Grogan  
10 UNITED STATES MAGISTRATE JUDGE

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set. (*See* ECF No. 36.) Additionally, as Defendants note in their motion, all deadlines in the Scheduling Order other than the dispositive motion deadline have passed. (*See* ECF No. 36.)